

### **REMARKS**

Claims 1-11 are pending in the above-identified application, where Claims 1, 7, 8 and 9 are independent claims. The Examiner has allowed Claims 1-7 and 9-11. However, the Examiner rejected independent Claim 8 pursuant to 35 U.S.C. §102(e) as being anticipated by *Shabeer* (U.S. Pat. Public. No. 2003/0021275).

*Shaber* does not qualify as a reference under 35 U.S.C. § 102(e) for purpose of rejecting independent Claim 8. The earliest possible effective date of *Shabeer* is its PCT filing date of March 7, 2001. The present application claims priority under 35 U.S.C. § 119 to an application filed in the Korean Intellectual Property Office on August 5, 2000 and assigned Serial No. 2000-45474. Annexed herewith is a certified copy of an English translation of the priority application filed in the Korean Intellectual Property Office on August 5, 2000 having Serial No. 2000-45474.

As such, the present application priority date is August 5, 2000 which clearly antedates *Shabeer's* earliest possible effective priority date of March 7, 2001 as a US Application publication under 35 U.S.C. § 102(e). Consequently, *Shabeer* does not qualify as a reference to support a 35 U.S.C. § 102(e) rejection of independent Claim 8.

Notwithstanding the above, independent Claim 8 has been further amended in order to include tunneling indication information as set forth above. Thus, amended independent Claim 8 is believed to be in condition for allowance. Therefore, it is respectfully requested that the rejection of Claim 8 under 35 U.S.C. § 102(e) be withdrawn and that amended independent Claim 8 be allowed together with the other allowed claims.

The application containing Claims 1-11 is believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicants

**DILWORTH & BARRESE, LLP**

333 Earle Ovington Boulevard

Uniondale, New York 11553

TEL: (516) 228-8484

PJF/SNB/mk